

CHAPTER 218

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 21-1245

BY REPRESENTATIVE(S) Sullivan, Arndt, Bird, Bockenfeld, Cutter, Esgar, Exum, Froelich, Gray, Lontine, Ortiz, Ricks, Titone, Valdez A.;
also SENATOR(S) Ginal and Hisey.

AN ACT**CONCERNING THE INCLUSION OF ON-TRACK EQUIPMENT IN CERTAIN SAFETY PROVISIONS THAT REGULATE RAILROAD CROSSINGS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-4-706, **amend** (1) introductory portion and (1)(b) as follows:

42-4-706. Obedience to railroad signal. (1) Any driver of a motor vehicle approaching a railroad crossing sign shall slow down to a speed that is reasonable and safe for the existing conditions. If required to stop for a traffic control device, flagperson, or safety before crossing the railroad grade crossing, the driver shall stop at the marked stop line, if any. If no ~~such~~ MARKED stop line exists, the driver shall:

(b) ~~In the event~~ If the driver would not have a reasonable view of approaching trains OR ON-TRACK EQUIPMENT when stopped pursuant to paragraph (a) of this ~~subsection (1)~~; IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION:

(I) Stop before proceeding across the railroad grade crossing at the point nearest ~~such~~ THE crossing where the driver has a reasonable view of approaching trains OR ON-TRACK EQUIPMENT; and

(II) Not proceed until the railroad grade can be crossed safely.

SECTION 2. In Colorado Revised Statutes, 42-4-707, **amend** (1), (4) introductory portion, and (4)(d) as follows:

42-4-707. Certain vehicles must stop at railroad grade crossings.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1) (a) Except as otherwise provided in this section, the driver of a school bus, as defined in ~~paragraph (b) of subsection (5) of this section~~ SUBSECTION (5)(b) OF THIS SECTION, carrying any schoolchild, the driver of a vehicle carrying hazardous materials that is required to be placarded in accordance with ~~regulations issued pursuant to~~ RULES ISSUED UNDER section 42-20-108, or the driver of a commercial vehicle, as defined in section 42-4-235, that is transporting passengers, before crossing at grade tracks of a railroad:

(I) Shall stop ~~such~~ THE vehicle within fifty feet but not less than fifteen feet from the nearest rail of ~~such~~ THE railroad; ~~and~~

(II) While ~~so~~ stopped, shall listen and look in both directions along ~~such~~ THE track for any approaching train ~~and~~ OR ON-TRACK EQUIPMENT OR for signals indicating the approach of a train OR ON-TRACK EQUIPMENT; and

(III) Shall not proceed until the driver can do so safely.

(b) After stopping as required in this section and upon proceeding when it is safe to do so, the driver of ~~any said~~ A vehicle DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION:

(I) Shall cross only ~~in such gear of the vehicle that~~ IF there ~~will be~~ IS no necessity for changing gears while traversing ~~such~~ THE crossing; and

(II) ~~the driver~~ Shall not manually shift gears while crossing the tracks.

(4) Subsection (1) of this section ~~shall~~ DOES not apply at:

(d) ~~Any~~ A railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains OR ON-TRACK EQUIPMENT are not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which ~~shall give~~ SIGN CONSTITUTES LEGALLY SUFFICIENT notice ~~when so posted that~~ ~~such~~ THE crossing is exempt from the stopping requirement ~~provided for~~ in this section.

SECTION 3. In Colorado Revised Statutes, 42-4-708, **amend** (3), (4), and (5) as follows:

42-4-708. Moving heavy equipment at railroad grade crossing. (3) Before making ~~any such~~ A crossing DESCRIBED IN SUBSECTION (1) OF THIS SECTION, the person operating or moving ~~any such~~ THE vehicle or equipment:

(a) Shall first stop the ~~same~~ VEHICLE OR EQUIPMENT not less than fifteen feet nor more than fifty feet from the nearest rail of ~~such~~ THE railroad; ~~and~~

(b) While ~~so~~ stopped, shall listen and look in both directions along ~~such~~ THE track for any approaching train, ~~and~~ FOR ON-TRACK EQUIPMENT, OR for signals indicating the approach of a train OR ON-TRACK EQUIPMENT; and

(c) Shall not proceed until the crossing can be made safely.

(4) ~~No such crossing~~ BEFORE MAKING A CROSSING DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE PERSON MOVING OR OPERATING THE VEHICLE OR EQUIPMENT shall ~~be made when~~ ENSURE THAT NO warning is BEING given, WHETHER by automatic signal or crossing gates or a flagperson or otherwise, of the immediate approach of a railroad train or ~~car~~ ON-TRACK EQUIPMENT.

(5) Subsection (3) of this section shall DOES not apply at any railroad crossing where state or local road authorities within their respective jurisdictions have determined that trains ~~are~~ OR ON-TRACK EQUIPMENT ARE not operating during certain periods or seasons of the year and have erected an official sign carrying the legend "exempt", which shall ~~give~~ SIGN CONSTITUTES LEGALLY SUFFICIENT notice ~~when so posted~~ that ~~such~~ THE crossing is exempt from the stopping requirement ~~provided~~ in this section.

SECTION 4. In Colorado Revised Statutes, **amend** 42-4-709 as follows:

42-4-709. Stop when traffic obstructed. ~~No~~ A driver shall NOT enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians, ~~or~~ railroad trains, OR RAILROAD ON-TRACK EQUIPMENT, notwithstanding the indication of ~~any~~ A traffic control signal to proceed. Any person who violates any provision of this section commits a class A traffic infraction.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to offenses committed on or after the applicable effective date of this act.

Approved: June 7, 2021